

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2546

**Introduced by Assembly Member Donnelly
(Coauthors: Assembly Members Grove and Jones)
(Coauthor: Senator La Malfa)**

February 24, 2012

An act to ~~repeal Sections 51501, 60040, and 60044 of, and to repeal and add Sections 51204.5 and 51500 of, amend Sections 33540, 51220, and 60043 of the Education Code, relating to pupil instruction.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2546, as amended, Donnelly. Pupil instruction: social sciences: instructional materials.

(1) Existing law requires the Instructional Quality Commission to ensure that certain historical documents are incorporated, as appropriate, into the history-social science framework.

This bill would add the Magna Carta, the Articles of Confederation, and the California Constitution to the historical documents that are required to be incorporated into that framework and would require them to be incorporated based on the subject matter of the course.

(2) Existing law requires instruction in social sciences for grades 7 to 12, inclusive, to provide a foundation for understanding the history, resources, development, and government of California and the United States of America.

This bill would require instruction in the social sciences also to include the development of democracy and the history of the development of the United States Constitution. To the extent that this

requirement would require additional instruction, the bill would impose a state-mandated local program.

(3) Existing law requires the governing board of a school district, when adopting instructional materials for use in the schools to require, when appropriate to the comprehension of pupils, that textbooks for social science, history, or civics classes contain the Declaration of Independence and the United States Constitution.

This bill would delete the condition that these documents be included when appropriate to the comprehension of pupils and would require that a classroom in which history or the social sciences is taught have access to a copy of the California Constitution. By requiring certain classrooms to have access to a copy of the California Constitution, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law requires instruction in social sciences to include a study of the role and contributions of both men and women and specified categories of persons, including lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups, to the development of California and the United States.~~

~~This bill would require instruction in social sciences to include the early history of California, the United States of America, and world history. The bill would require that this instruction include relevant and accurate historical portrayals of the role and contributions of racial and ethnic groups. The bill would prohibit a historical figure from being excluded from social science instruction, instructional materials, or textbooks merely because of membership in, or possessing a characteristic associated with, a protected class as specified. The bill would require the study of a person in social science instruction to be accurate and based solely on historical significance rather than membership in a protected class.~~

~~Existing law prohibits instruction or school-sponsored activities that promote a discriminatory bias because of race or ethnicity, gender, religion, disability, nationality, sexual orientation, or other characteristic~~

listed as specified. Existing law prohibits the State Board of Education and the governing board of any school district from adopting textbooks or other instructional materials that contain any matter that reflects adversely upon persons because of race or ethnicity, gender, religion, disability, nationality, sexual orientation, or other characteristic listed as specified.

This bill, instead, would prohibit a teacher from giving instruction calculated to promote acts of discrimination against racial or ethnic groups and would prohibit the state board or the governing board of a school district from adopting a textbook or instructional materials that are calculated to promote acts of discrimination against racial and ethnic groups.

Existing law requires that, when adopting instructional materials for use in the schools, governing boards of school districts include only materials that accurately portray the role and contributions of culturally and racially diverse groups, including Native Americans, African Americans, Mexican Americans, Asian Americans, European Americans, Pacific Islanders, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the total development of California and the United States.

This bill would repeal this requirement.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 33540 of the Education Code is amended
2 to read:
3 33540. (a) The ~~State Board of Education~~ state board and the
4 department shall request that the commission review and revise,
5 as necessary, the course requirements in the history-social science
6 framework developed by the History-Social Science Curriculum
7 Framework and Criteria Committee of the state board to ensure
8 that minimum standards for courses in American government and
9 civics include sufficient attention to teaching pupils how to interact,
10 in a practical manner, with state and local governmental agencies
11 and representatives to solve problems and to petition for changes
12 in laws and procedures.

(b) When the history-social science framework is revised as required by law, the commission shall ensure that the following historical documents are incorporated into the framework, as appropriate, *based on the subject matter of the course*:

(1) The Declaration of Independence.

(2) The United States Constitution, including the Bill of Rights.

(3) The Federalist Papers.

(4) The Emancipation Proclamation.

(5) The Gettysburg Address.

(6) George Washington's Farewell Address.

(7) *The Magna Carta*.

(8) *The Articles of Confederation*.

(9) *The California Constitution*.

SEC. 2. Section 51220 of the Education Code is amended to read:

51220. The adopted course of study for grades 7 to 12, inclusive, shall offer courses in the following areas of study:

(a) English, including knowledge of and appreciation for literature, language, and composition, and the skills of reading, listening, and speaking.

(b) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America, *including the development of democracy and the history of the development of the United States Constitution*; instruction in our American legal system, the operation of the juvenile and adult criminal justice systems, and the rights and duties of citizens under the criminal and civil law and the State and Federal Constitutions; the development of the American economic system, including the role of the entrepreneur and labor; the relations of persons to their human and natural environment; eastern and western cultures and civilizations; human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, and the Holocaust, and contemporary issues.

(c) Foreign language or languages, beginning not later than grade 7, designed to develop a facility for understanding, speaking, reading, and writing the particular language.

1 (d) Physical education, with emphasis given to physical activities
2 that are conducive to health and to vigor of body and mind, as
3 required by Section 51222.

4 (e) Science, including the physical and biological aspects, with
5 emphasis on basic concepts, theories, and processes of scientific
6 investigation and on the place of humans in ecological systems,
7 and with appropriate applications of the interrelation and
8 interdependence of the sciences.

9 (f) Mathematics, including instruction designed to develop
10 mathematical understandings, operational skills, and insight into
11 problem-solving procedures.

12 (g) Visual and performing arts, including dance, music, theater,
13 and visual arts, with emphasis upon development of aesthetic
14 appreciation and the skills of creative expression.

15 (h) Applied arts, including instruction in the areas of consumer
16 and homemaking education, industrial arts, general business
17 education, or general agriculture.

18 (i) Career technical education designed and conducted for the
19 purpose of preparing youth for gainful employment in the
20 occupations and in the numbers that are appropriate to the
21 personnel needs of the state and the community served and relevant
22 to the career desires and needs of the pupils.

23 (j) Automobile driver education, designed to develop a
24 knowledge of the provisions of the Vehicle Code and other laws
25 of this state relating to the operation of motor vehicles, a proper
26 acceptance of personal responsibility in traffic, a true appreciation
27 of the causes, seriousness, and consequences of traffic accidents,
28 and to develop the knowledge and attitudes necessary for the safe
29 operation of motor vehicles. A course in automobile driver
30 education shall include education in the safe operation of
31 motorcycles.

32 (k) Other studies as may be prescribed by the governing board.

33 *SEC. 3. Section 60043 of the Education Code is amended to*
34 *read:*

35 60043. (a) When adopting instructional materials for use in
36 the schools, the governing board shall require, ~~when appropriate~~
37 ~~to the comprehension of pupils,~~ that textbooks for social science,
38 history, or civics classes contain the Declaration of Independence
39 and the Constitution of the United States.

1 (b) A classroom in which history or the social sciences is taught
2 shall have access to a copy of the California Constitution.

3 SEC. 4. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

8 SECTION 1. This act shall be known and may be cited as the
9 Children Learning Accurate Social Sciences Act.

10 SEC. 2. Section 51204.5 of the Education Code is repealed.

11 SEC. 3. Section 51204.5 is added to the Education Code, to
12 read:

13 51204.5. Instruction in social sciences shall include the early
14 history of California, the United States of America, and world
15 history. This instruction shall include relevant and accurate
16 historical portrayals of the role and contributions of racial and
17 ethnic groups. A historical figure shall not be excluded from
18 inclusion in social science instruction, instructional materials, or
19 textbooks merely because of membership in, or possessing a
20 characteristic associated with, a protected class as defined in
21 Section 220. Inclusion of the study of a person in social science
22 instruction shall be accurate and based solely upon historical
23 significance rather than membership in a protected class.

24 SEC. 4. Section 51500 of the Education Code is repealed.

25 SEC. 5. Section 51500 is added to the Education Code, to read:

26 51500. (a) A teacher shall not give instruction that is calculated
27 to promote acts of discrimination against racial or ethnic groups.

28 (b) The state board or the governing board of a school district
29 shall not adopt a textbook or instructional materials that are
30 calculated to promote acts of discrimination against racial or ethnic
31 groups.

32 SEC. 6. Section 51501 of the Education Code is repealed.

33 SEC. 7. Section 60040 of the Education Code is repealed.

34 SEC. 8. Section 60044 of the Education Code is repealed.

35 SEC. 9. The provisions of this act are severable. If any
36 provision of this act or its application is held invalid, that invalidity
37 shall not affect other provisions or applications that can be given
38 effect without the invalid provision or application.